HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.221 of 2006

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Dated: March 13, 2006

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Between:

Jalagam Ram Babu, S/o. Seetaramaiah,

aged about 65 years, R/o. Jagannadhapuram

Village, Mulakalapalli Mandal, Khammam District.

… Petitioner

And

Government of Andhra Pradesh, rep. by its

Secretary, Tribal Welfare Department, Secretariat,

Hyderabad, and four others.

… Respondents

Order:

Petitioner claims to be the owner and possessor of land admeasuring Ac.24.30

guntas covered by S.No.626/91/A of Jagannadhapuram Village, Mulakalapalli Mandal, Khammam District.

2. Previously, in the year 1974, proceedings were initiated in respect of the aforesaid land, by the Special Deputy Collector, Tribal Welfare, ITDA, Bhadrachalam, in exercise of powers under A.P. Scheduled Area Land Transfer Regulations 1/59, and later by order dated 31-10-1974, the said proceedings were dropped holding that the transfer was not in violation of the regulations. As against the same, nearly after 31 years, the fifth respondent herein carried the matter in appeal before the Additional Agent to the Government, which was numbered as C.M.A.No.38 of 2005. The said appeal was allowed by the authority by order 17-09-2005. As against the order of the appellate authority, petitioner has preferred revision before the Government on 31-12-2005 and also sought for interim orders to stay the order passed by the appellate authority. It is the case of the petitioner that on one hand the revisional authority has neither taken up the appeal nor the stay application for consideration, and on the other, respondents are taking steps to evict him from the aforesaid land.

3. This Court initially by order dated 04-01-2006, passed interim orders to stay the dispossession of the petitioner and extended the same by order dated 17-02-2006.

4. It is contended by the learned counsel for the petitioner that the appeal filed by the fifth respondent was entertained by the appellate authority nearly 31 years after the primary authority passed orders, that too without any application for condoning the delay being filed.

5. The petitioner can very well agitate the said ground before the revisional authority. As much as the petitioner has already preferred revision petition, it is not desirable to record any finding either with regard to condoning the delay of 31 years by the appellate authority, or on the merits of the case. It is for the petitioner to plead the said ground before the revisional authority.

6. As much as it is stated that the petitioner purchased the said land prior to the regulations coming into force, and the primary authority has already dropped the proceedings as early as in 1974, I deem it appropriate to dispose of the Writ Petition directing the revisional authority to consider the revision petition filed by the petitioner and pass appropriate orders, as expeditiously as possible, by issuing necessary notice to the petitioner and the fifth respondent. The order of the appellate authority dated 17-09-2005 remains suspended, till the disposal of the revision

petition.

7. Subject to the above directions, the Writ Petition is disposed of.

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JUSTICE R. SUBHASH REDDY.

March 13, 2006

MRR